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October 2, 1946.

MEMORANDUM RE: Conference with Mr. Acheson--German Scientists Program

The following points should be covered:

1. The program for immigration of Germans and their families, covered by SWNCC 257/22 and 23 of August 24 and September 6, 1946, conflicts directly with our international commitments regarding the expulsion of certain Germans from this Hemisphere, as contained in the Rio and Mexico City agreements implemented by the Inter-American Committee on Political Defense. This is true in spite of the fact that SWNCC 257/22 and 23 call for the exclusion of "persons with Nazi or militaristic records;" the exceptions and administrative procedure in the SWNCC papers would admit persons of the categories excluded by the Inter-American commitments, both because of their past Nazi or Pan-German activities as well as because of the danger to the future security of the Hemisphere. The details of this conflict are set out in an appended memorandum by Mr. Lawrence Knapp of CPD. They are also set out in a memorandum from Messrs. Spaeth and Klaus sent to Mr. Acheson at Mr. Braden's suggestion on August 26, 1946. (Paragraph 4.)

2. This

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2. This Government might plausibly continue to insist, simultaneously, on compliance by other American Governments with these commitments if the present program could reasonably be characterized and defended as exclusively a military operation. This would call for a [illegible] mere military custody program, even though the type of custody might be relaxed in accordance with the circumstances of the individual cases. The civilian immigration program would, therefore, have to be postponed.

3. It appears, however, from the SWNCC papers above-mentioned, and from information in the Department that military custody is at present intended solely as a transitory arrangement, and that the aim of the program is to transfer as soon as possible the largest possible number of Germans to a visa immigration status, leading to American citizenship. This appears, for example, from the following:

a. SWNCC 257/22 states, as a policy, that the persons brought in shall be placed "under temporary limited military custody, pending issuance of legal entry papers."

b. Appendix A of the same paper requests that the State Department's requirements for visas should be "waived or simplified in order to expedite the legalization of the presence of specialists and families under military custody." (Paragraph 8.)

c. The

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McNarney (annex to Appendix A in SWNCC 257/22) are relevant.

(1) Eight hundred and sixty-nine names on the list which is intended to provide the immigrants in question include "a large number" who, for political reasons, cannot be employed in the United States zone except as common labor. (Paragraph 2B)

(2) It is intended to retain in Germany "a number of non-Nazi German scientists and technicians" who are required to establish an economic balance in Germany, and to staff the school system. (Paragraph 2J.)

(3) The Germans to be brought over include "those scientists and technicians who are determined to have attained unusual military significance in fields which may be detrimental to United States security where their services would become available to other nations" (Paragraph 4B); but the list also includes "a relatively large number of scientists and technicians . . . who by background and training have little or no real military significance." (Paragraph 1.)

b. Appendix B to SWNCC 257/22 which sets forth the directives for the selection and screening, contains specific provisions which appear to be deliberately calculated to admit

to admit to visa status persons who would not be normally admissible into the United States from the point of view of security the fair intentment on the Immigration laws. or in the light of our CPD commitments. It is to be noted that the Department is entirely dependent on the Commanding General, USFET, for the facts deriving from Germany and Austria on which to base its action; and largely on the Armed Services for data as to the applicants while in the United States.

(1) Initially, the Commanding General, USFET, is directed to screen the German specialists "on the basis of available records." This will be unquestionably taken as a limitation, to mean that no independent counterintelligence investigation--through informants, detective work, coordination with information as to underground movements and the like--will be undertaken. The point is important because this Department insisted heretofore that the Army in Germany undertake a thorough-going investigation into organizations of scientists, technicians, and firms and institutions from which these persons derived, to ascertain whether these persons or any of them are part of any underlying plan to reconstitute German war potential on American soil. Nothing more will be found in "available records" than pre-existing data, unless original investigations of the character

character described are conducted, this screening will be necessarily most superficial.

(2) The Commanding General, USFET, is specifically instructed not to exclude persons who have received position or honor under the Nazi regime solely on account of their scientific or technical ability. Moreover, a member of the Nazi Party is admissible if he is not "more than a nominal participant in its activities, or an active supporter of Nazi or militarism." Since persons under this program are not likely to be street brawlers, and are likely to have pursued their Nazi or Pan-German activities in their chosen fields of science or technology, none would be excluded by this standard.

(3) Where the Commanding General, USFET, has doubts, the doubts are to be resolved in favor of transporting the specialists to the United States for further interrogation.

5. The Army and Navy are clearly instructed not to conduct surveillance and investigation in the United States by counterintelligence personnel suited for such purpose. Instead Paragraph 2 b(2) provides that the War Department will submit visa data information to the State Department "through interrogation, investigation and surveillance by the Technical Services of the Army, the Army Air Forces, and the

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and the Navy, with the assistance of the Commanding General USFET." The Department has heretofore insisted that these investigations be conducted not by the Technical Services, which are presumably composed of scientists and scientific technicians, without competence or experience in security, but by trained counterintelligence officers. This provision is, therefore, calculated to prevent the discovery of any information that might lead the Department to find that the applicant's entry was prohibited by the Immigration laws and regulations.

6. It is believed that, without affecting SWNCC 257/23, the memorandum approved by President Truman, the Department may properly insist on the following:

a. No visa applications will be entertained by the Department at the present time, or for any period in the immediate future. The memorandum approved by the President merely states: "It is contemplated that at a later date selected persons would be granted regular status under the Immigration laws."

b. Administratively, the Army, using good, expert investigators, should undertake a most thorough investigation and surveillance before and after the arrival of persons in question, in order to ascertain what plans and activities may be going on, or are contemplated, which may involve a recreation on United States soil of German military potential, or the effectuation of German

 plans

plans and activities within Germany, such as expansion of German economic enterprises or the like, and the role of each applicant in the formulation and execution of such plan.

c. It is noted that A-R has already decided that in these cases visa applications will be entertained only on an individual basis; no mass waivers or abdication of the Secretary's visa responsibility provided by law will be permitted.